

REMARKS

In response to the non-final Office Action dated March 3, 2006, reconsideration and allowance of the present application are respectfully requested. By this communication, claim 1 is amended. Support for the subject matter added to claim 1 can be found variously throughout the Specification, for example, at paragraph [0049]. Claims 1-19 remain pending in the application.

In a personal interview conducted on May 23, 2006, the Examiner asserted that the feature of modifying portions of a digital work as taught by the *Stefik* patent effectively acts as a form of signing the digital work.

Applicants disagree. However, even assuming arguendo that this is an accurate interpretation of the *Stefik* patent, the *Stefik* patent fails to teach or suggest the authenticating step as recited in claim 1, or a signing procedure for authenticating electronic records with a plurality of signatures as recited in claim 18. Exemplary embodiments of the instant invention provide a manner of enabling authorized users to take responsibility for activities and stated results produced through an analytical apparatus by attaching electronic signatures of a plurality of individuals. The attaching of an electronic signature by a user serves to authenticate the electronic record. Such features are encompassed by Applicants' independent claims 1 and 18.

In numbered paragraph 4 on page 2 of the Office Action, claims 1-19 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Erickson* (U.S. Patent No. 5,765,152) in view of *Stefik et al* (U.S. Patent No. 5,629,980). Applicants respectfully traverse this rejection.

Claims 1 and 18 broadly encompasses the embodiments as variously described in the Specification and illustrated, for example in Figs. 1-11. Claim 1 recites a method for controlling electronic records comprising, among other steps, authenticating the electronic records by attaching more than one electronic signature

of users of a first group, wherein access to the authenticating step is denied to users of a second group.

In the preceding Office Action dated December 12, 2005, the Examiner rejected claims 1-19 over the *Erickson* patent. In the instant Office Action however, the Examiner acknowledges that the *Erickson* patent fails to teach or suggest an authenticating step as recited in claim 1, and applies the *Stefik* patent to remedy this deficiency.

The *Stefik* patent generally relates to access authorization for digital works. This access authorization, however, bears no relationship to assigning user rights and authenticating electronic records by means of at least one electronic signature, as recited in claim 1. The Examiner argues that in order to exercise assigned rights a user must authenticate him/herself electronically to show that he/she is in fact a member of the subject group. The Examiner identifies Table 1 of the *Stefik* patent as teaching or suggesting the signing of user rights. However, this table merely defines a format for expressing a status of a digital work, wherein the number of copies in use is represented by a number, the maximum loan period is represented by a number of time units (e.g., number of days), and the fact that a digital work is (or is not) a loaner copy is represented by a Boolean 1 or 0. In short, the status of digital works, as represented in Table 1, does not implicate the assigning of user rights.

The *Stefik* patent never uses the term "user right" but instead "usage right(s)." These "usage right(s)" refer to rights that are attached to a specific digital work, rather than rights assigned to a specific user or groups of users as required by the claim. Even if a "usage right" of modifying a digital work is provided, this right does not amount to the claimed authenticating step because the digital work is only authorized to be modified (signed) by a single user and not a plurality of users as provided by Applicants' claims.

The *Erickson* patent and the *Stefik* patent, either singularly or combined, therefore fail to teach or suggest every element recited in claim 1. Neither of these documents teaches a step of authenticating electronic records by means of at least one electronic signature by one of the users of a first group where access to the authenticating step is denied to users of a second group, as recited in claim 1. Accordingly, a *prima facie* case of obviousness has not been established. Applicants request that the rejection of claim 1 and dependent claims 2-17 be withdrawn and these claims be allowed.

Claims 18 and 19 were rejected as obvious over the *Erickson* patent and the *Stefik* patent, as noted above, and also rejected in numbered paragraph 16 on page 7 of the Office Action under 35 U.S.C. §103(a) as unpatentable over the *Stefik* patent. Applicants respectfully traverse this rejection.

Claim 18 broadly encompasses the embodiments as described in the Specification and illustrated for example, in Figs. 1-11. Claim 18 recites a method comprising a signing procedure for authenticating electronic records with a plurality of electronic signatures, the method having among other steps, controlling said signing procedure so that the user can sign a record only with a signature meaning that parts not lower than any previous signature attached to the record and not higher than the user's maximum signature level.

The *Stefik* patent discloses a format for expressing the status of a digital work wherein the number of copies in use is represented by a number and the maximum loan period is represented by a number of time units. The format as described does not designate a first group and a second group of users, as recited in claim 18. In fact, the *Stefik* patent lacks "a signing procedure that authenticates the electronic records with the plurality of electronic signatures", as recited in claim 18. Moreover,

the *Stefik* patent does not allow for multiple users to modify a digital work under a single "usage right". While the *Stefik* patent may arguably be generally related to the technology of access authorization, this patent fails to teach or suggest every element recited in the claim, and thus does not disclose or suggest the method recited in claim 18.

The *Stefik* patent fails to disclose or suggest Applicants' claim 18 combination. Applicants request that the rejection of claim 18, and depending claim 19, be withdrawn, and these claims be allowed.

By the foregoing Amendment and remarks, Applicants have addressed all outstanding rejections raised in the non-final Office Action dated March 3, 2006. Applicants submit that pending claims 1-19 are allowable and this application is in condition for allowance. Applicants respectfully request that a Notice of Allowance be issued in due course.

Respectfully submitted,

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